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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,865	05/04/2007	Anders Andersson	4660-10	7775
23117 7590 06/08/2010 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
BEYEN, ZEWDU A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/584,865

Applicant(s)

ANDERSSON, ANDERS

Examiner

ZEWDU BEYEN

Art Unit

2461

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 27-49, have been examined, and are pending

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/12/2010 has been entered.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims **27, 30, 36, 39, 43 and 46** are rejected under 35 U.S.C. 102(a) as being anticipated by Biggs to (US6564066).

Regarding claim 27,36, and 43 Biggs teaches assigning one or more priority-groups to a user-register of the user-device, each priority-group being unique for a group of multiple users (Abstract, and fig.1 discloses Each communication unit (112A through 112F) and talkgroup in a communication system (100) is assigned a priority at each site (106, 108, and 110) in the system. As communication units (112A through 112F) request resources, contention among requesters at a site is resolved by the priority of requesters at the site. System-wide resources are allocated equitably based on the geographical location of the communication unit using site-based priority).

providing multiple priority-tables, each associated with one or several coverage areas of the system (see fig.2)
providing said priority-tables with one or several priority-levels associated with a quality of service , where each priority- level is assigned one or more priority-groups(Abstract, and fig.1, and fig.2 discloses Each communication unit (112A through 112F) and talkgroup in a communication system (100) is assigned a priority at each site (106, 108, and 110) in the system. As communication units (112A through 112F) request resources, contention among requesters at a site is resolved by the priority of requesters at the site. System-wide resources are allocated equitably based on the geographical location of the communication unit using site-based priority)., providing said priority-tables with an area-identifier that

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associates the priority-table with a coverage area **(see fig.2)** , retrieving the present coverage area for said user-device, identifying a priority-table by matching the present coverage area for the user-device with the coverage areas associated with the priority-tables by the area-identifier(Abtract, and fig.1 **discloses Each communication unit (112A through 112F) and talkgroup in a communication system (100) is assigned a priority at each site (106, 108, and 110) in the system. As communication units (112A through 112F) request resources, contention among requesters at a site is resolved by the priority of requesters at the site. System-wide resources are allocated equitably based on the geographical location of the communication unit using site-based priority).**

depending on a possible match of the priority-groups defined in the user-register and the priority-groups assigned to the priority-levels in the priority-table, the quality of service associated with a priority-level is assigned to the user-device so that a group of multiple users can be provided with a particular quality of service(**col.2 lines 66-67 to col.3 lines 1-8 discloses Each communication unit is assigned a priority for each site in the system. Similarly, talkgroups on the communication system are each assigned a priority for each site associated with the system. As requests are received from communication units, communication resources and the like, are allocated based on the talkgroup and communication unit priorities at the particular site providing resources. In this manner, communication units and talkgroups have varying priorities based on the site at which resources are requested)**

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Regarding claims 30, 39, and 46 Biggs teaches said area-identifier is associated with a covering area corresponding to one of: a Location Area Identification (LAI), a Routing Area Identification (RAI), a Cell Identity (CI), a Cell Global Identification (CGI) and/or corresponding to a RNC Identifier (RNC-Id) or a Service Area Identifier (SAI)(see abstract and fig.2)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim **28-29, 34,37-38, and 44-45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Biggs in view of Boland to (**EP1045604A2**),

Regarding claims 28, 37, and 44 Biggs does not explicitly teach linking the

user-register to a user subscription within the telecommunication system, which subscription in turn is linked to a user-device

However, Boland teaches linking the user-register to a user subscription within the telecommunication system, which subscription in turn is linked to a user-device (**par [0012] discloses home location register that stores data for subscriber with a priority information. Thus, data that is send out from the subscriber is associated with a priority information and other subscriber information).**

Therefore it would have been obvious to one ordinarily skilled in the art at the time the invention was made to enable the system of Biggs linking the user-register to a user subscription within the telecommunication system, which subscription in turn is linked to a user-device , as suggested by Boland. This modification would benefit Biggs to efficiently provide terminals with a better quality of service according to their locations.

Regarding claim 29, Boland teaches distributing the user-register to the user-device(**par [0012] discloses home location register that stores data for subscriber with a priority information**), and/or predefining the user-register in the user-device, and, distributing the priority-table to the user-device and/or predefining the priority-table in the user-device(**abstract discloses predetermined service priority**).

Therefore it would have been obvious to one ordinarily skilled in the art at the time the invention was made to enable the system of Biggs distributing the user-register to the user-device and/or predefining the user-register in the user-device, and, distributing the priority-table to the user-device and/or predefining the priority-table in the user-device, as suggested by Boland. This modification would benefit Biggs to efficiently provide terminals with a better quality of service according to their locations.

Regarding claim 34, Boland teaches altering the quality of service in a certain area by amending an existing user-register (**abstract discloses denying access to wireless communication subscribers when they attempt to initiate a wireless call connection in the impacted call coverage area**).

Therefore it would have been obvious to one ordinarily skilled in the art at the time the invention was made to enable the system of Biggs altering the quality of service in a certain area by amending an existing user-register, as suggested by Boland. This modification would benefit Biggs to efficiently provide terminals with a better quality of service according to their locations.

Regarding claims 38, and 45 Boland teaches the user-device comprises the user-register and the priority-table(**par [0012] discloses home location register that stores data for subscriber with a priority information**).

Therefore it would have been obvious to one ordinarily skilled in the art at the time the invention was made to enable the system of Biggs the user-device

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comprises the user-register and the priority-table, as suggested by Boland. This modification would benefit Biggs to efficiently provide terminals with a better quality of service according to their locations.

Claim 31, 40, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biggs, in view of Chavez to **(US6192234)**

Regarding claims 31, 40, and 47 Biggs does not explicitly teach said match is performed within the user-device

However, Chavez teaches said match is performed within the user-device (col.3 lines 24-30 discloses, **FIGS. 2-4, each wireless terminal maintains a table that defines for each area as indicated in Column 201 of FIG. 2, the telephone coverage number for the area as defined in Column 202, the priority that the wireless terminal has in each area as indicated in Column 203, the identification number of the fixed unit for an area as indicated in Column 204, and the individual assigned telephone number for the wireless terminal in each of the areas as indicated in Column 206. Furthermore, col.3 lines 13-14 disclose obtaining the location information based on the identity of the fixed unit. Thus, matching the priority with the area is done on the terminal).**

Therefore it would have been obvious to one ordinarily skilled in the art at the time the invention was made to enable the system of Biggs said match is

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performed within the user-device, as suggested by Chavez. This modification would benefit Biggs to efficiently provide terminals with a better quality of service according to their locations.

Claim **32, 41, and 48** are rejected under 35 U.S.C. 103(a) as being unpatentable over Biggs, in view of Chavez to **(US6192234)**, and further in **view of Boland**

Regarding claims 32, 41, and 48 Boland teaches an additional step in that the user-device determines one-sided limitations on the quality of service (**par [0012] discloses home location register that stores data for subscriber with a priority information. Further more, abstract discloses providing guaranteed communication service to priority wireless communication subscribers, and wireless subscribers who have been assigned a predetermined service priority are provided with access to reserved wireless communication).**

Claims 33, 42, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biggs, and Boland, and Chavez further in view of Artamo to **(US-PG-PUB2004/0053606).**

Regarding claims 33, 42, and 49 the combination of Biggs and Boland and Chavez does not explicitly teach the user-device determines whether it is allowed to establish a traffic channel.

However, Artamo teaches the user-device determines whether it is allowed to establish a traffic channel **[[0016] discloses responsive to the availability of a plurality of cell types for a user, the user may be connected in the one of the plurality of cells having the highest associated priority based on the service type of the user. Thus, having the option to choice to connect to a cell having the highest associated priority based on the service type of the user, is refraining from establishing a traffic channel to other cells that have the lowest associated priority based on the service type of the user).**

Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to enable the system of the combination of Biggs and Boland and Chavez the user-device determines whether it is allowed to establish a traffic channel, as suggested by Artamo. This modification would benefit the system of the combination of Biggs and Boland and Chavez to enable the user devices to connect with only communication channels that provide the highest quality of service.

Claim 35, is rejected under 35 U.S.C. 103(a) as being unpatentable over Biggs in view of Le to **(US-PG-PUB20070097941)**.

Regarding claim 35, Biggs does not explicitly teach altering the quality of service in a certain area by amending an existing priority-table

However, Le teaches altering the quality of service in a certain area by amending an existing priority-table (Le, fig.3, and [0024] disclose a prioritizer 130 records the upload activity of a wireless device 105 during the priority allocated transmission slots and change that device's priority accordingly. The prioritizer records the activity of wireless device 105A over transmission slots and adjusts the priority of device 105A to reflect its uploading activity during those time periods. Thus, adjusting the priority of the device results adjusting the priority table of the network so that the device receives an appropriate quality of service)

Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to enable the system of Biggs by altering the quality of service in a certain area by amending an existing priority-table, as suggested by Le. This modification would benefit the system to provide users with a larger service coverage area with better quality of services.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ZEWDU BEYEN whose telephone number is (571)270-7157. The examiner can normally be reached on Monday thru Friday, 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 1-571-272-3155. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Z. B./

Examiner, Art Unit 2461

/Huy D Vu/

Supervisory Patent Examiner, Art Unit 2461